

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
Revision of the Commission's Rules)
to Ensure Compatibility with)
Enhanced 911 Emergency Calling)
Systems)

CC Docket No. 94-102
Consensus Agreement

DOCKET FILE COPY ORIGINAL

COMMENTS OF BLOOSTON, MORDKOFKY, JACKSON & DICKENS

Blooston, Mordkofsky, Jackson & Dickens (BMJ&D), on behalf of its private mobile radio service (PMRS) clients, files these comments in response to the FCC's Public Notice, DA 96-198, released Feb. 16, 1996, concerning a Consensus Agreement for wireless enhanced 911 (E911) compatibility. BMJ&D wishes to clarify that the E911 compatibility requirements will not be imposed on PMRS providers, pursuant to either the adoption of portions of the Consensus Agreement or otherwise.

Background

In the Notice of Proposed Rulemaking in this docket, the Commission stated that it was not initially proposing to apply the E911 compatibility rules to PMRS, and asked for comment on that decision.¹ BMJ&D knows of only one commenter in this proceeding who addressed the applicability of the rules to PMRS providers -- Motorola -- and they opposed it.

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¹ Notice of Proposed Rulemaking (Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems), 9 FCC Rcd. 6170, 6177 (1994).

BMJ&D notes that the Consensus Agreement does not state which members of the wireless industry would be subject to the E911 compatibility rules discussed therein. BMJ&D therefore is concerned about the scope of radio users that would be subject to the terms of the Consensus Agreement.

E911 Compatibility Rules Should Not Be Imposed on PMRS

E911 compatibility rules should not be imposed on PMRS for several reasons. First, PMRS users do not have the expectation that their radio systems will provide access to 911 services. In the Notice of Proposed Rulemaking, the Commission stated that "[w]ireless customers clearly expect access to 911 services, and may be unaware that their mobile radio services do not provide . . . [the same E911 services as] the wireline network."² By contrast, many PMRS systems are not interconnected with the public switched telephone network (PSTN). PMRS systems are used to provide two-way radio and dispatch services for businesses, primarily, and are not seen as an extension of the PSTN. PMRS radio handsets often do not even have a key pad on which to dial 911. Users of those systems do not expect access to 911 services, let alone E911 services.

Second, before PMRS providers could consider how to obtain and transmit the location information and number information discussed in this proceeding, PMRS providers would first need to obtain interconnection to the PSTN and obtain radio handsets that

² Id. at 6176.

are capable of dialing 911. The Commission has never required PMRS providers to interconnect with the PSTN. In fact, the FCC has prohibited some PMRS providers from interconnecting with the PSTN unless they first obtain concurrence from co-channel licensees. Additionally, in the past, the FCC imposed call loading limits on specialized mobile radio (SMR) operators. Because interconnected calls tend to last longer, the call loading limits essentially discouraged SMR operators from interconnecting. Furthermore, interconnection makes no sense for those radio systems that are entirely portable. At a minimum, PMRS-PSTN interconnection issues are well beyond the scope of this proceeding, and should be addressed in a separate rulemaking, if at all.

Third, the provision of E911 compatibility could hamper, not help, the ability of businesses to respond appropriately in emergencies. For example, BMJ&D agrees with Motorola that many PMRS systems are already set up with their own procedures for handling emergencies.³ Adding 911 capability to such a PMRS system could compromise and delay the emergency response that would otherwise be available through the dispatcher. Additionally, for low power radio uses in a manufacturing plant, the ability of co-workers to locate someone in an emergency may be far superior to the ability of any technology to provide location information. Thus, requiring PMRS users to rely on E911

³ Motorola Comments, dated Jan. 9, 1995, at 6.

functionality in many business settings may not be in the public interest.

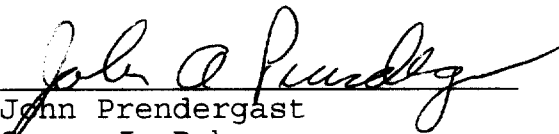
Fourth, PMRS operators include hundreds of thousands of small companies, many of which cannot afford to purchase new radio systems for the purpose of implementing E911. Many would have to consider discontinuing radio use, which would only further endanger their employees.

Finally, due to the dearth of comments on this issue, it is clear that the private radio industry has not focused on the technical and financial aspects of implementing E911 compatibility. The Consensus Agreement is likewise void of any discussion of this issue. If the Commission nevertheless were inclined to impose E911 compatibility requirements on PMRS providers, BMJ&D requests the Commission to issue a notice that would focus the attention of the private radio industry on these issues, so that the Commission could obtain comments specific to the technical and business aspects of that industry.

In sum, BMJ&D respectfully requests the Commission to refrain from imposing any E911 compatibility requirements on PMRS providers.

Respectfully submitted,
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CERTIFICATE OF SERVICE

I, Rose Ann McDonald, an employee of Blooston, Mordkofsky, Jackson & Dickens, certify that on this 4th day of March, 1996, I have caused to be sent by first class U.S. mail, postage prepaid a copy of the foregoing comments to the following:

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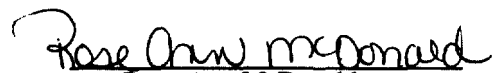
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